

Excerpts  
Planning Commission Minutes  
September 11, 2002

**Application No. UP-606-02, ZAC Enterprises:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 15) of the York County Zoning Ordinance, to authorize a drive-in fast food restaurant. The property is located at 721 East Rochambeau Drive (Route F-137) and is further identified as Assessor's Parcel No. 2-17-B. The property is located on the south side of East Rochambeau Drive, approximately 1500 feet east of its intersection with Mooretown Road (Route 603). The property is zoned EO (Economic Opportunity) and is designated for Economic Opportunity development in the Comprehensive Plan.

**Ms. Amy Parker** reviewed the memorandum to the Commission dated September 4, 2002 in which the staff recommended approval.

Mr. Heavner asked if the applicant plans to use electronic menu boards. Ms. Parker deferred to the applicant.

Chair Hendricks opened the public hearing.

**Mr. Bill Ganyon**, 10955 Granada Lane, Overland Park, Kansas, stated that the applicant does not plan to use electronic signs for this use. He stated that canopy lighting is employed where standard outdoor lighting would be disruptive to their surroundings, but in the desired location - next to a Wal-Mart - that should not be an issue.

Hearing no others, the Chair closed the public hearing.

PC02-35

On motion of Ms. White, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A DRIVE-IN RESTAURANT AT 721 EAST ROCHAMBEAU DRIVE

WHEREAS, ZAC Enterprises has submitted Application No. UP-606-02, which requests a special use permit, pursuant to Section 24.1-306 (Category 11, No. 15) of the York County Zoning Ordinance, to authorize a drive-in restaurant located at 721 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 2-17-B; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of September, 2002 that Application No. UP-606-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a drive-in restaurant located at 721 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 2-17-B, subject to the following conditions:

1. This use permit shall authorize a drive-in restaurant located at 721 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 2-17-B.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plan titled "Sonic @ Rochambeau, York County, VA;" sheet L-1 of 11, prepared by The TAF Group, dated July 25, 2002, received by the Planning Division August 28, 2002 and building elevations submitted to the Planning Division on July 31, 2002.
3. Freestanding identification signage shall be limited to a single monument sign in substantial conformance with the monument sign elevation received by the Planning Division on August 28, 2002. Brick fascia used on the base of the sign shall match that of the building façade.
4. Brick used for the façade of the building as shown in architectural elevations submitted by the applicant shall be of a material and color that is compatible with the brick used for the Lowe's and Wal-Mart stores co-located within the Cedar Valley Shopping Center.
5. A traffic impact analysis, prepared by a transportation engineer or transportation planner in accordance with the requirements set forth in Section 24.1-251(b)(1) of the York County Zoning Ordinance, shall be submitted for review and consideration by the County and the Virginia Department of Transportation at time of initial application for site plan approval.
6. With the exception of the decorative neon lighting on the exterior of the canopies and poles at the west end of the building, site lighting shall be shielded and directed downward to prevent off-site illumination. All lighting schemes and lighting fixtures

shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA).

7. Volume levels of all outside speakers shall be such that speaker sound is not audible off-site.
8. Landscaping shall be substantially in accordance with the plan referenced in Condition #2 above. To accomplish buffering of East Rochambeau Drive, landscaping on the berm at the west end of the site shall be a mix of evergreen and deciduous trees and shrubs in a ratio satisfactory to the Zoning Administrator.
9. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

\*\*\*